

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of:

LA CECHE GORDON-LITTLETON
P O Box 1252
Chandler, AZ 85244

Respondent.

Case No. 2009-241


OAH No. 2009060887

DECISION

The attached proposed decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on December 5, 2009.

IT IS SO ORDERED this 5th day of November, 2009.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

LA CECHE GORDON-LITTLETON
Chandler, Arizona 85244

Respondent.

Case No. 2009-241

OAH No. 2009060887

PROPOSED DECISION

This matter was heard before Rebecca M. Westmore, Administrative Law Judge, Office of Administrative Hearings, State of California, on August 28, 2009, in Sacramento, California.

Janice K. Lachman, Supervising Deputy Attorney General, represented complainant Ruth Ann Terry, M.P.H., R.N., Executive Officer of the Board of Registered Nursing (board), Department of Consumer Affairs (department).

La Ceche Gordon-Littleton (respondent) appeared telephonically on her own behalf.

Evidence was received, the record was closed, and the matter was submitted on August 28, 2009.

FACTUAL FINDINGS

1. On July 15, 2008, respondent filed an Application for Licensure by Endorsement. On October 31, 2008, the board denied respondent's application on the grounds that respondent failed to disclose prior disciplinary actions in her application. On December 15, 2008, respondent appealed the board's denial.

2. Respondent has been licensed as a Registered Nurse in the State of Colorado since April 2005, and in the State of Arizona since May 2005.

3. On June 12, 2009, complainant filed the Statement of Issues in her official capacity.

4. On June 27, 2005, the Louisiana State Board of Nursing (LSBN) denied respondent's application for licensure on the grounds that she falsely answered the following three questions on her application: respondent denied that she had applied for RN licensure in another state; denied that she took the RN licensure examination in another state; and denied that she had been charged with a criminal offense. According to LSBN, respondent had applied for licensure in the State of Colorado in 2004; had taken and failed the National Council Licensure Examination (NCLEX) in the State of Colorado in 2004; and had been arrested for assault and battery in 2001.

5. On July 15, 2008, respondent completed her California application for licensure. In response to the question "Have you ever been denied RN or any other health-care related licensure in any state/territory?" respondent checked the box "NO." In addition, in response to the question "Have you ever had disciplinary proceedings against **any** license as a RN or **any** health-care related license or certificate including revocation, suspension, probation, voluntary surrender, or any other proceeding in any state or country?" respondent checked the box "NO." Finally, in response to the question "Have you ever been convicted of **any** offense other than minor traffic violations?" respondent checked the box "NO." [Emphasis in original.]

7. At hearing, respondent indicated that she did not disclose her Louisiana disciplinary action because she had not been licensed in Louisiana; did not believe the action was public or relevant to her California application; and believed she "could work with Louisiana to clear that up." To this day, respondent does not understand why the Louisiana action is relevant to California, and insists that the information should not be a part of her California application. Respondent's testimony is untenable. A review of the California application reveals that it not only requests information regarding disciplinary proceedings against a license, but also requests information regarding "any other proceeding in any state or country." The denial of respondent's Louisiana application was a disciplinary proceeding that respondent was required to disclose. Moreover, a review of the Final Order issued by the Louisiana State Board of Nursing reveals that the denial of respondent's application was a disciplinary action that constitutes a public record.

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Factors in Aggravation, Mitigation and Rehabilitation

8. Respondent has been licensed as a Registered Nurse in the states of Arizona and Colorado since 2005. She has not been disciplined in either of those states. In 2006, she was commissioned as an officer in the U.S. Navy Nurse Corps. She is a Lieutenant Junior Grade and expects to be promoted to Lieutenant in October 2009. Her specialty is emergency room and trauma care. Respondent has also worked as a traveling nurse in New Mexico and Texas, but is currently working two to three days a week as a registry nurse. Respondent refused to disclose the name of her current employer. In May 2009, respondent was terminated from her position as a Registered Nurse in Mission, Texas. She was advised by the Director that she "was not a good fit." If she is permitted to obtain her license in California, respondent plans to work as a traveling nurse.

9. Respondent regrets not calling the California Board of Registered Nursing prior to completing her application, and expressed remorse for her failure to disclose accurate information to the board. Respondent now "realize[s] [her] error." She described herself as honest and a "good and prudent" person. She stated that she did not intend to mislead the California or Louisiana boards, and indicated that "I provide accurate and honest care to my patients and put my patient's needs before myself."

10. Respondent submitted six letters of recommendation, which were received in evidence and considered to the extent permitted under Government Code section 11513, subdivision (d).¹ Kimberly Forniss, O.D., has known respondent for 15 years and describes her as determined, compassionate and caring. Orlandis L. Wells, M.D. has known respondent for 13 years and is her mentor. He describes her as detailed-oriented and competent. Respondent has not worked as a Registered Nurse for these two references. Teri Johnson-Kelley has known respondent for four years, and described her as a good role model. All three references are aware of respondent's denial of licensure in California, but have not been made aware of the facts surrounding the denial. Michael Sharr, M.D., Paula Byear, R.N., and Ronald Holman, R.N. are respondent's former co-workers. They indicated that she "adapts well and quickly," and describe her as friendly and "very easy to work with." These three references are unaware of respondent's denial of licensure in California.

11. While respondent expressed remorse for her failure to accurately and completely disclose information on her Louisiana and California applications, her responses were evasive and not candid. It was clear from her testimony that she was attempting to keep as much information out of the public record as possible in order to prevent her situation from snowballing. In addition, she admitted that she does not understand why her denial of licensure in Louisiana is relevant to her application in California, which demonstrates that she cannot be trusted to provide complete and accurate information to the board in the future.

¹ Government Code section 11513, subdivision (d), provides, in pertinent part, that "[h]earsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions"

LEGAL CONCLUSIONS

1. Pursuant to Business and Professions Code section 2761, subdivision (a)(4), the board may deny a license application for unprofessional conduct including the "[d]enial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action." The Louisiana Board of Nursing's denial of respondent's RN application, as set forth in Factual Finding 4, establishes cause to deny respondent's application under Business and Professions Code section 2761, subdivision (a)(4).

2. Pursuant to Business and Professions Code section 2761, subdivision (e), the board may deny a license application for "[m]aking or giving a false statement or information in connection with the application for issuance of a certificate or license." Respondent's failure to disclose the Louisiana disciplinary action on her California Registered Nurse application, as set forth in Factual Findings 5 through 7, establishes cause to deny respondent's application under Business and Professions Code section 2761, subdivision (e).


3. Although respondent expressed remorse for her actions, her failure to disclose the Louisiana disciplinary proceeding on her California application is problematic. The board relies upon nurses to provide complete and accurate information in response to all inquiries. Respondent's failures to fully disclose information on both her Louisiana and California applications cast doubt upon whether she can be trusted to provide complete and accurate information to the board in the future. In light of these factors, it would be contrary to the public interest and welfare to issue respondent a registered nurse license at this time, even on a probationary basis.

ORDER

The application of respondent La Ceche Gordon-Littleton for issuance of a Registered Nurse license is DENIED.

DATED: September 16, 2009

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SACRAMENTO


REBECCA M. WESTMORE
Administrative Law Judge
Office of Administrative Hearings

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2009-241

13 **LA CECHE GORDON-LITTLETON**
Post Office Box 1252
14 Chandler, Arizona 85244

STATEMENT OF ISSUES

15 Respondent.

16
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Statement of Issues solely in her official capacity
20 as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **Application History**

23 2. On or about July 21, 2008, the Board received an Application for
24 Licensure by Endorsement from La Cèche Gordon-Littleton ("Respondent"). On or about
25 July 15, 2008, La Cèche Gordon-Littleton certified under penalty of perjury to the truthfulness of
26 all statements, answers, and representations in the application. The Board denied the application
27 on October 31, 2008.

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STATE'S
EXHIBIT

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STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.

5. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(e) Making or giving a false statement or information in connection with the application for issuance of a certificate or license.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Out-of-State Discipline)**

3 6. Respondent's application is subject to denial under Code sections 2761,
4 subdivision (a)(4), and 480, subdivision (a)(3), in that effective June 27, 2005, in the case
5 entitled, *In the Matter of: LaCecche Gordon-Littleton*. Respondent was denied licensure and
6 otherwise disciplined by the Louisiana State Board of Nursing. Pursuant to the Louisiana
7 Board's Conclusions of Law and Final Order, Respondent's Application for Licensure by
8 Examination was denied based upon the finding that Respondent provided false information in
9 her application to the Louisiana Board. A copy of the Louisiana Board's Findings of Fact and
10 Final Order are attached as **Exhibit A** and incorporated herein.

11 **SECOND CAUSE FOR DENIAL OF APPLICATION**

12 **(False Statement of Fact)**

13 7. Respondent's application is subject to denial under Code sections 2761,
14 subdivision (e), 480, subdivision (c), and 480, subdivision (a)(3), in that Respondent made a false
15 statement of fact in her Application for Licensure by Endorsement, dated July 15, 2008, and
16 signed under penalty of perjury, when Respondent checked the box "NO" to the following
17 question:

18 Question: Have you ever been denied RN or any other
19 health-care related licensure in any state/territory?

20 In fact, Respondent was denied a Louisiana Registered Nurse License for
21 providing false information in her Louisiana Application for Licensure by Examination, as set
22 forth in paragraph 6, above.

23 **THIRD CAUSE FOR DENIAL OF APPLICATION**

24 **(Dishonesty)**

25 8. Respondent's application is subject to denial under Code section 480,
26 subdivision (a)(2), in that Respondent was dishonest with the intent to substantially benefit
27 herself in both her Application for Licensure by Examination to the Louisiana Board and in her
28 ///

1 Application for Licensure by Endorsement to this Board, as set forth in paragraphs 6 and 7,
2 above.


3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Denying the application of La Ceche Gordon-Littleton for a registered
7 nurse license; and

8 2. Taking such other and further action as deemed necessary and proper.

9
10 DATED: 4/13/09

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12 
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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